

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JOSEPH NARCISSE, <i>et al.</i> ,	:	Case Nos. 3:07-cv-253
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	
vs.	:	
	:	
SAMUEL A. BARHORST,	:	
	:	
Defendant.	:	

**ORDER DIRECTING PLAINTIFF JOSEPH NARCISSE TO APPEAR IN THE
SOUTHERN DISTRICT OF OHIO FOR AN INDEPENDENT MEDICAL
EXAMINATION AND A DEPOSITION**

As discussed in previous status conferences with the Court and the parties, on January 5, 2012, Defendant Samuel Barhorst filed a Notice of Independent Medical Examination of Plaintiff Joseph Narcisse (Doc. 77) and a Notice to Depose Plaintiff Narcisse. (Doc. 78). The medical examination and deposition were set for January 17, 2012. During a status conference with the Court on January 25, 2012, Counsel for Narcisse and Barhorst both represented that, in the days before the duly noticed medical examination and deposition, Counsel for Barhorst was informed that Narcisse was not going to appear for either the medical examination or the deposition.

During conference on January 25, 2012, Counsel for Defendant Barhorst orally moved for an order requiring Plaintiff Narcisse to appear for a second independent medical examination and a second deposition in the Southern District of Ohio. Following the conference, Counsel agreed that Plaintiff Narcisse would appear for an independent medical examination and a deposition on February 28, 2012, and that Plaintiff and Defendant would share the costs.

Defendant Barhorst shall notice the time and place of the independent medical examination and the deposition. Plaintiff Narcisse is **ORDERED** to appear at the times and locations set forth in the Notices to be filed by Defendant Barhorst. **Plaintiff Narcisse's failure to comply with this Order will result in the dismissal of his claims pursuant to Fed. R. Civ. P. 37 and/or Fed. R. Civ. P. 41(b) for failure to prosecute.**

IT IS SO ORDERED.

Date: January 30, 2012

s/ Timothy S. Black
Timothy S. Black
United States District Judge